

REMARKS

Claims 38 and 39 are added, and therefore claims 14, 16 to 18, and 20 to 39 are pending in the present application.

In view of the following remarks, Applicants respectfully submit that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Claims 14, 16 to 18, 20, 24, 26 to 28, 30 and 31 are rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Japanese Patent Application Publication No. 2001-119451 (“Andreas”) in view of U.S. Patent Publication No. 2008/0147401 (“Odinak”).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 14 has been rewritten to better clarify the claimed subject matter.

Claim 14, as presented, is to a method for providing a plurality of services requiring wireless data transmission, and selecting a transmission network from a plurality of transmission networks, each operating with a different protocol, wherein the selecting is

based on the speed of the vehicle. The Office Action admits as to claims 23, 34, and 37 that the combination of Andreas and Odinak does not disclose this network selection feature, but conclusorily asserts Japanese Patent Application Publication No. 60-61923 (“Toshio”).

The Toshio reference, however, does not disclose the specific features recited in claim 14. The Toshio reference refers to “a 1st radio zone 10 is provided for the talking carried out in a high speed moving state together with the 2nd radio zones 20-1-20-7 which are subdivided from the zone 10 and used for the talking in a stop state or a low speed moving state,” and a speed determining means. Even if this did somehow describe “selecting a transmission network,” as provided for in the context of the presently claimed subject matter, there is no indication that zone 10 and zones 20 are different in any way, other than geographic scope and an ability to service more customers simultaneously, neither of which is related to “operating with a different protocol,” as provided for in the context of claim 14.

Additionally, none of the applied references discloses “at least one service uses at least one output medium, including at least one video output medium that includes at least two display adaptations of one service, while in an active state, wherein each display adaptation has a substantially different non-zero wireless data transmission requirement”, as provided for in the context of the presently claimed subject matter.

As to Odinak, it does not disclose the feature in which “each display adaptation has a substantially different non-zero wireless data transmission requirement”, since, for example, its Abstract specifically states the following:

The system includes a microphone, a speech recognition processor, and an output device. The microphone receives voice instructions from a user. Coupled to the microphone is the speech recognition processor that generates a voice signal by performing speech recognition processing of the received voice instructions. The output device outputs the generated voice signal to the user. The system also includes a user interface for allowing the user to approve the outputted voice signal, and a communication component for wirelessly sending the generated voice signal to a server over a wireless network upon approval by the user.

....

If the vehicle's speed is less than or equal to 25 mph, processor 32 generates a detailed display to present on display 26 of user interface 22 (block 82). As the speed of the vehicle increases, the amount of detailed visual information generated for display is

reduced. Thus, if the vehicle speed is greater than 25 mph but less than or equal to 40 mph, processor 32 generates a display with less visual information than was generated for vehicle speeds of less than or equal to 25 mph (block 84). When the speed is greater than 40 mph but less than or equal to 70 mph, processor 32 reduces not only the amount of detail to be displayed on display 26, but also increases the font size of any text included in the displayed presentation content and changes the color to make it easier for an operator to view (block 86). When the speed is greater than 70 mph, processor 32 stops generating display information for presentation on display 26 and switches to a pure audio presentation for output over the speakers 28 (block 88).

The Odinak reference apparently refers to (1) receiving a voice command, (2) displaying/outputting the local processor's recognition of the voice command in a format dependent on vehicle speed, (3) and if approved by the user, transmitting the command. Regardless of which output adaptation is used in Odinak, *the same command is transmitted*, and thus, each display adaptation, to the extent they are associated with a wireless transmission at all, must have exactly the same wireless data transmission requirement.

For at least these reasons, Andreas, Odinak, and Toshio, whether taken alone or in combination, do not disclose or suggest every feature of claim 14, as presented. Claim 14 is therefore allowable, as are its dependent claims 16 to 18, 20, 24, 27, 28, 30, and 31.

Claims 26 includes subject matter like that of claim 14, so that claim 26 is allowable for essentially the same reasons as claim 14.

Support for the added features is provided in the original disclosure, including the specification, including, for example, at page 1, lines 19 to 21; page 2, lines 26 to 30; page 4, lines 18 to 22; page 5, lines 9 to 11; page 7, lines 1 and 2; and page 8, lines 5 to 19.

Claims 21, 29, 32, 33, 35, and 36 are rejected under 35 U.S.C. § 103(a) as assertedly unpatentable over the combination of Andreas in view of Odinak, and in further view of U.S. Patent No. 6,714,860 ("Wawra").

Claims 21, 29, 32, 33, 35, and 36 depend from claim 14, and they are therefore allowable for at least the same reasons as claim 14, since Wawra does not cure -- and is not asserted to cure -- the deficiencies of Andreas in view of Odinak (nor in further view of Toshio), as explained above as to claim 14.

Withdrawal of the obviousness rejections of claims 21, 29, 32, 33, 35, and 36 is therefore respectfully requested.

Claim 23 is rejected under 35 U.S.C. § 103(a) as assertedly unpatentable over the combination of Andreas in view of Odinak, and in further view of Toshio.

Claim 23 depends from claim 14, and it is therefore allowable for at least the same reasons as claim 14.

Withdrawal of the obviousness rejection of claim 23 is therefore respectfully requested.

Claim 25 is rejected under 35 U.S.C. § 103(a) as assertedly unpatentable over the combination of Andreas in view of Odinak, and in further view of U.S. Patent No. 6,667,726 ("Daminani").

Claim 25 includes subject matter like that of claim 14, and it is therefore allowable for essentially the same reasons as claim 14, since Damiani does not cure -- and is not asserted to cure -- the deficiencies of Andreas in view of Odinak (nor in further view of Toshio), as explained above as to claim 14.

Withdrawal of the obviousness rejection of claim 25 is therefore respectfully requested.

Claims 34 and 37 are rejected under 35 U.S.C. § 103(a) as assertedly unpatentable over the combination of Andreas in view of Odinak, in further view of Wawra, and in further view of Toshio.

Claims 34 and 37 depend from claim 14, and they are therefore allowable for at least the same reasons as claim 14, since Wawra does not cure -- and is not asserted to cure -- the deficiencies of Andreas in view of Odinak in further view of Toshio, as explained above as to claim 14.

Withdrawal of the obviousness rejections of claims 34 and 37 is therefore respectfully requested.

As further regards all of the obviousness rejections, any Official Notice is respectfully traversed to the extent that it is maintained and it is requested that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise. In particular, it

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is respectfully requested that the Examiner provide an affidavit and/or that the Examiner provide published information concerning these assertions. This is because the § 103 rejections are apparently being based on assertions that draw on facts within the personal knowledge of the Examiner, since no support was provided for these otherwise conclusory and unsupported assertions. (See also MPEP § 2144.03).

Accordingly, claims 14, 16 to 18, and 20 to 37 are allowable.

New claims 38 and 39 do not add any new matter and are supported by the present application, including the specification. Claim 38 recites features substantially similar to claim 14, and it is therefore allowable for essentially the same reasons, as is its dependent claim 39.

Accordingly, claims 14, 16 to 18, and 20 to 39 are allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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